

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on February 13, 2017 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Bill Harris (R)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)

Members Excused:

Rep. Ellie Hill Smith (D)
Rep. Kirk Wagoner (R)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 351, 2/9/2017; HB 398, 2/9/2017; HB 399, 2/9/2017

HEARING ON HB 351**Opening Statement by Sponsor:**

00:00:03 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 351, Revise laws relating to permanency of youth in foster care.

Proponents' Testimony:

00:06:11 Maurita Johnson, Department of Health and Human Services (DPHHS)
00:08:08 Lena Havron, Self
00:12:17 Abigail St. Lawrence, Montana Association of Christians (MAC)
00:13:29 Jani McCall, Intermountain, Yellowstone Boys and Girls Ranch, Family Support Network, Protect Montana Kids Commission
00:18:37 Melissa Schlichting, Department of Justice, Attorney Generals' Office

Opponents' Testimony: None**Informational Testimony:** None**Questions from Committee Members and Responses:**

00:19:32 Rep. C. Knudsen
00:20:07 Rep. Dudik
00:20:27 Maurita Johnson, DPHHS
00:22:40 Rep. Regier
00:23:02 Rep. Dudik
00:24:54 Rep. Kelker
00:25:28 Rep. Dudik
00:26:30 Rep. Bishop
00:27:11 Maurita Johnson, DPHHS
00:28:06 Rep. Sheldon-Galloway
00:28:50 Rep. Dudik
00:29:17 Rep. Harris
00:30:00 Rep. Dudik
00:30:44 Rep. Court
00:31:21 Rep. Dudik
00:32:18 Rep. McConnell
00:32:57 Rep. Dudik
00:33:45 Rep. McConnell
00:34:29 Maurita Johnson, DPHHS

Closing by Sponsor:

00:36:11 Rep. Dudik

00:37:08 Recess
00:38:57 Reconvene

HEARING ON HB 398

Opening Statement by Sponsor:

00:39:12 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 398, Generally revise juvenile criminal records laws.

Proponents' Testimony:

00:44:18 Steve Cape, Montana Coalition for Safety and Justice
[EXHIBIT\(juh31a01\)](#)

00:51:11 Beth McLaughlin, Montana Supreme Court

Opponents' Testimony:

00:53:59 Mark Murphy, Montana County Attorneys Association (MCAA)

00:58:51 John MacDonald, Montana Newspaper Association (MNA)

Informational Testimony: None

Questions from Committee Members and Responses:

01:01:23 Rep. Morigeau
01:02:15 Rep. Zolnikov
01:05:46 Steve Cape, Montana Coalition for Safety and Justice
01:06:43 Rep. Hill Smith joined the meeting
01:09:24 Rep. Kelker
01:10:15 Rep. Zolnikov
01:11:04 Rep. Kelker
01:11:37 Mark Murphy, MCAA
01:13:39 Rep. Harris
01:14:52 Steve Cape, Montana Coalition for Safety and Justice
01:17:07 Rep. C. Knudsen
01:18:21 Steve Cape, Montana Coalition for Safety and Justice
01:21:15 Rep. Bishop
01:21:55 Beth McLaughlin, Montana Supreme Court
01:30:55 Rep. Sheldon-Galloway
01:31:26 Beth McLaughlin, Montana Supreme Court

Closing by Sponsor:

01:32:36 Rep. Zolnikov

HEARING ON HB 399

Opening Statement by Sponsor:

01:35:59 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 399, Revising custody laws pertaining to best interest of a child.

Proponents' Testimony:

01:39:13 Steve Cape, Montana Coalition for Safety and Justice
[EXHIBIT\(juh31a02\)](#)

Opponents' Testimony:

01:46:24 Mars Scott, Self

01:58:38 Linda Gryczan, Montana Mediation Association

[EXHIBIT\(juh31a03\)](#)

[EXHIBIT\(juh31a04\)](#)

02:03:25 Elisabeth Kohlstaedt, Self

[EXHIBIT\(juh31a05\)](#)

02:06:51 Kathryn Seaton, Montana Legal Services Association

02:07:07 Robin Turner, Montana Coalition Against Sexual and Domestic Violence
(MCASDV)

[EXHIBIT\(juh31a06\)](#)

[EXHIBIT\(juh31a07\)](#)

[EXHIBIT\(juh31a08\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

02:08:02 Rep. Hill Smith

02:10:24 Mars Scott, Self

02:14:43 Rep. Usher

02:15:16 Mars Scott, Self

Closing by Sponsor:

02:17:30 Rep. Zolnikov

02:18:03 Recess

02:27:27 Reconvene

EXECUTIVE ACTION ON HB 394

Discussion:

02:28:03 Helen Thigpen, Legislative Services Division (LSD)

02:28:27 **Motion/Vote:** Rep. Berglee moved that **HB 394 DO PASS**. Motion failed 7-12 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell and Rep. Morigeau voting aye. Rep. Wagoner voted by proxy.

02:30:06 **Motion:** Rep. Court moved without objection that **HB 394 BE TABLED**.

EXECUTIVE ACTION ON HB 295

Discussion:

02:30:19 Helen Thigpen, LSD

02:30:40 **Motion:** Rep. Berglee moved that **HB 295 DO PASS**.

Discussion:

02:30:46 Rep. Court
02:32:01 Rep. McConnell
02:32:21 Rep. Morigeau
02:34:52 Rep. B. Brown
02:35:41 Chair Doane
02:36:44 Rep. Usher
02:37:32 Rep. Harris
02:38:32 Rep. Morigeau
02:39:24 Chair Doane
02:39:35 Rep. Usher
02:39:47 Rep. Berglee
02:40:59 Rep. Eck
02:41:38 Rep. Court
02:42:30 Chair Doane
02:42:45 Rep. Court
02:43:34 Rep. Manzella

02:44:14 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau, Rep. Perry and Rep. Sheldon-Galloway voting aye. Rep. Wagoner voted by proxy.

02:45:35 **Motion:** Rep. Court moved without objection that **HB 295 BE TABLED.**

EXECUTIVE ACTION ON HB 370**Discussion:**

02:45:49 Helen Thigpen, LSD

02:46:03 **Motion:** Rep. Berglee moved that **HB 370 DO PASS.**

Discussion:

02:46:11 Rep. Eck
02:46:46 Chair Doane
02:47:17 Rep. Court
02:47:43 Rep. McConnell
02:48:03 Chair Doane
02:48:27 Rep. McConnell
02:50:23 Rep. Harris
02:51:09 Rep. Kelker
02:51:58 Chair Doane
02:52:06 Rep. McConnell
02:53:13 Rep. Harris
02:53:49 Rep. Morigeau
02:55:23 Chair Doane
02:55:47 Rep. Morigeau
02:56:50 Rep. Usher

02:57:41 **Vote:** Motion carried 10-9 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. Doane, Rep. Harris, Rep. Manzella, Rep. Mortensen, Rep. M. Regier, Rep. Sheldon-Galloway and Rep. Wagoner voting no. Rep. Wagoner voted by proxy.

EXECUTIVE ACTION ON HB 378

Discussion:

02:59:13 Helen Thigpen, LSD

02:59:32 **Motion:** Rep. Berglee moved that **HB 378 DO PASS.**

Discussion:

02:59:45 Helen Thigpen, LSD

03:00:50 **Motion:** Rep. Berglee moved that **HB 378 BE AMENDED.**

[**EXHIBIT\(juh31a09\)**](#)

Discussion:

03:01:01 Rep. Kelker

03:02:24 **Vote:** Motion carried unanimously by voice vote. Rep. Wagoner voted by proxy.

03:02:56 **Motion:** Rep. Berglee moved that **HB 378 DO PASS AS AMENDED.**

Discussion:

03:03:04 Rep. Eck
03:05:27 Rep. Harris
03:06:36 Rep. Usher
03:07:24 Rep. McConnell
03:08:28 Rep. Hill Smith
03:10:26 Rep. Eck
03:11:12 Rep. McConnell
03:12:16 Rep. Usher
03:12:31 Rep. Eck
03:12:42 Rep. Dudik
03:15:17 Rep. Sheldon-Galloway
03:16:30 Rep. Hill Smith
03:18:30 Rep. Berglee
03:19:33 Rep. Dudik

03:21:33 **Vote:** Motion failed 9-10 by roll call vote with Rep. Court, Rep. Harris, Rep. Kelker, Rep. Manzella, Rep. McConnell, Rep. Morigeau, Rep. Perry, Rep. M. Regier and Rep. Sheldon-Galloway voting aye. Rep. Wagoner voted by proxy.

03:22:50 **Motion:** Rep. Court moved without objection that **HB 378 BE TABLED.**

EXECUTIVE ACTION ON HB 379

Discussion:

03:23:09 Helen Thigpen, LSD

03:23:43 **Motion:** Rep. Berglee moved that **HB 379 DO PASS.**

03:24:01 **Motion:** Rep. Berglee moved that **HB 379 BE AMENDED.**
EXHIBIT(juh31a10)

Discussion:

03:24:14 Helen Thigpen, LSD

03:25:20 **Vote:** Motion carried unanimously by voice vote. Rep. Wagoner voted by proxy.

03:25:36 **Motion:** Rep. Berglee moved that **HB 379 DO PASS AS AMENDED.**

Discussion:

03:25:45 Rep. Hill Smith

03:26:21 Helen Thigpen, LSD

03:26:36 Rep. Morigeau

03:26:58 Rep. C. Knudsen

03:27:16 Rep. Harris

03:27:47 Rep. Dudik

03:28:40 **Vote:** Motion failed 7-12 by roll call vote with Rep. Bishop, Rep. Court, Rep. Harris, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye.

03:29:57 **Motion:** Rep. Court moved that **HB 379 BE TABLED.** Motion carried.

ADJOURNMENT

Adjournment: 03:31:05

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh31aad.pdf](#))